

Navigating the IDEA State Complaint Process

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Department of Public Instruction
Special Education Team



WISCONSIN DEPARTMENT OF
PUBLIC INSTRUCTION
Carolyn Stanford Taylor, State Superintendent

Agenda



- **Dispute resolution options**
- **IDEA State Complaint Process**



FAPE in the LRE

- All students with disabilities are entitled to a free appropriate public education (FAPE) in the least restrictive environment (LRE).



First Steps if Concerns Arise

- Contact your child's special education teacher
- Contact the district's director of special education



WSPEI Resource

Communication Options for Families

Options Available if You Have Questions or Disagree with a Decision of the School

Families and schools have a “built-in” partnership with the child as the focus.

This partnership will grow when parents and school staff work together.

Disagreements may happen, but working together improves your child’s education.

What can you do if questions or concerns arise?

- ◇ If concerns arise, families are encouraged to first talk directly with the people involved as soon as possible (see local contacts – ex: your child’s teachers, principal, other school administrators)
- ◇ First, call to schedule an informal meeting to discuss the situation
- ◇ Then, prepare for the meeting by making a list of concerns and some possible solutions

What can you do in the meeting?

- ◇ Identify student strengths and acknowledge what is working
- ◇ Identify concerns of families and educators
- ◇ Use active listening in order to understand the other person’s perspective
- ◇ Ask questions or restate ideas so the team has a clear understanding



Communication Options

Who Can I Talk To?

Special Education Teacher

Name:
Phone:
Email:

Director of Special Education

Name:
Phone:
Email:

Parent/Family Center Contact

(WI FACETS, Alianza)

Name:
Phone:
Email:

Local Contacts

Problem Solving Locally
Gives Families and School
Districts Shared Input over
the Outcomes for Children

WSPEI

CESA Family Engagement
Coordinators and District Liaisons

<http://wspei.org/contact/>

Name (s):

Phone:

Email:

Regular Education Teacher

Name:
Phone:
Email:

School Psychologist

Name:
Phone:
Email:

Administrator/Principal

Name:
Phone:
Email:



Wisconsin Special Education Dispute Resolution Options



IEP Facilitation

This early conflict resolution option provides a neutral, trained facilitator to help the IEP team with the IEP process. The facilitator helps the IEP team maintain open, respectful, and productive communication and is provided by WSEMS.

Contact: Wisconsin Special
Education Mediation System
888-298-3857
diana@wsems.us



Mediation

Mediation is available to resolve issues by providing a free professional mediator. The goal of mediation is to come to a mutual decision, in writing. Discussions during mediation are confidential and enforceable in court.

Contact: Wisconsin Special
Education Mediation System
888-298-3857
diana@wsems.us



IDEA State Complaint

Any individual or organization may file a complaint with the DPI if they believe a school district has violated state or federal requirements regarding special education and related services.

Contact: DPI Special
Education Team
608-266-1781
dpisped@dpi.wi.gov



Due Process Complaint or Hearing Request

A written request for a hearing related to the identification, evaluation, placement, issues pertaining to the IEP, or the provision of a free and appropriate public education of a child with a disability.

Contact: DPI Special
Education Team
608-266-1781
dpisped@dpi.wi.gov



<https://www.wsems.us/>



WSEMS

Wisconsin Special Education Mediation System

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FAQ

Contact

The Wisconsin Special Education Mediation System helps parents and schools work together to resolve disputes about special education. We do not provide legal advice or advocacy for either parents or districts, and we do not mediate 504 plan disputes.



Contact WSEMS

Email: gia@wsems.us

(888)-298-3857 (Toll Free Voice)

WSEMS

Gia Pionek

6650 W State Street, #D 168

Wauwatosa, WI 53213



Facilitated IEP Team Meeting

- **WSEMS facilitators**
 - Maintain communication
 - Keep team on task
 - Facilitate resolution
- **Both parties must agree**



Mediation

- **Mediator**

- Private meeting
- Assists parties to identify issues and create their own solutions.
- Legally binding agreement signed by both parties



Due Process Hearing

- A due process hearing is a formal, legal proceeding conducted by an administrative law judge (ALJ)
- Parent/adult student or school district may request.
 - [English Fillable Request for a Due Process Hearing form](#)
- Dispute over district's proposal or refusal
 - Identification, evaluation, IEP development, IEP implementation, placement, FAPE



IDEA State Complaint



- Any individual or organization may file an IDEA complaint
- Believe violation of State or Federal special education requirements
- In writing
- Signed by complainant
- Violation occurred within one year of the date DPI receives the *signed* complaint



Written IDEA Complaint

- Violated special education law.
- Facts related to the violation
- Contact information of complainant
- Name of child, address, name of school
- Proposed resolution





Wisconsin Department of Public Instruction
IDEA STATE COMPLAINT FORM
PI-2117 (Rev. 01-19)

*Required by IDEA2004, 34 CFR 300.151-153, 300.509.
Use of this form is voluntary.*

INSTRUCTIONS: Submit a copy to your school district or other public educational agency. Submit signed original to:

**DIRECTOR
SPECIAL EDUCATION TEAM
WISCONSIN DEPARTMENT OF PUBLIC INSTRUCTION
PO BOX 7841
MADISON, WI. 53707-7841
FAX NUMBER: (608) 267-3746**

This form has been developed to assist parents in filing an IDEA state complaint. Provide all information requested. Failure to provide all information may delay the complaint investigation. You will be contacted by the department regarding your complaint.

FOR DPI USE	Case No. Assigned	Due Date <i>Mo./Day/Yr.</i>	Date Received <i>Mo./Day/Yr.</i>
I. GENERAL INFORMATION			
Name of Complainant		Relationship to the Child	Complainant's Email
Address <i>Street, City, State, ZIP</i>			Daytime Telephone <i>Area/No.</i>
Check One <i>Optional</i> <input type="checkbox"/> Hispanic/Latino <input type="checkbox"/> Not Hispanic/Latino		Check All That Apply <i>Optional</i> <input type="checkbox"/> American Indian/Alaska Native <input type="checkbox"/> Native Hawaiian/Other Pacific Islander <input type="checkbox"/> Asian <input type="checkbox"/> Black/African American <input type="checkbox"/> White	
Name of Child		Child's Date of Birth <i>Mo./Day/Yr.</i>	*Address of the Child's Residence <i>Street, City, State, Zip</i>
School District of the Child's Residence			Name of School Child is Attending
II. SIGNATURE			
Signature of Complainant <i>Required</i> ➤			Date Signed <i>Mo./Day/Yr.</i>
III. DESCRIPTION OF COMPLAINT			

Model IDEA State Complaint Form

Formulario de queja sobre el programa IDEA a nivel estatal



Steps in the Process

- Complainant submits complaint to DPI and copy to school district
- Complaint is reviewed by DPI Complaint Coordinator Marge Resan to identify issues
- Assigned to investigator and acknowledgment letter is sent to relevant parties
- District has opportunity to propose a resolution & engage in mediation
- DPI must investigate complaint and issue decision within 60 days



Acknowledgement Letter

- Identify issues using IDEA terms but they can be more specific during the investigation
- Requests district documentation
- Identify complaint investigator and give contact information
- Offer both parties the ability to present additional information
- Suggests informal resolution



Complaint Investigator

- Reviews records (IEPs, BIPs, disciplinary records, behavior logs, etc.)
- Interviews staff, IEP team members, and parents/ legal guardians
- Conducts onsite school visits (in rare instances)
- Reviews applicable law
- Develops draft of decision



Issuing A Decision

Review process

➤ Complaint Investigator → Complaint Coordinator → Assistant Director → Director → Assistant Superintendent

Violation vs. No Violation

- Failure to follow federal and state SPED requirements → Violation
- Acting within the scope of IDEA and state requirements → No Violation



Corrections & Closing

Corrections

- Student-specific corrections
- District-wide corrections
- Current Compliance Check
- CAP Approval Letter

Closing the complaint

- Closing Letter & 1 year timeline



Public Posting

- In Wisconsin, the department posts [IDEA State Complaints](#)
- Redact information to protect student's privacy and personal information
- Are generic as possible about specific language (the student, district staff, location)



Common Issues Identified in IDEA Complaints



Examples of Issues

➤ IEP Implementation

- [Describing Special Education, Related Services, Supplementary Aids and Services, and Program Modifications for Staff-Bulletin 10.07](#)

➤ FAPE

- [FAPE Bulletin](#)

➤ Seclusion and Restraint

- [Seclusion and restraint page](#)



Resources

- FACETS <https://wifacets.org/>
- WSPEI <https://wspei.org/>
- Special Education in Plain Language
 - <https://www.wsems.us/special-education-in-plain-language/>



Thank you!

Contact Information

- [Anita Castro](#), 715-836-2511
- [Marge Resan](#), 608-267-9158
- DPI Special Education Team, 608-266-1781

